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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/651,907 | 08/30/2000 | John Underwood | 730301-2013 | 2355 |
| 20999 | 7590 | 01/29/2004 | | |
| FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | | |
| | | | EXAMINER CAMPBELL, JOSHUA D | |
| | | | ART UNIT 2178 | PAPER NUMBER 6 |
| DATE MAILED: 01/29/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,907

Applicant(s)

UNDERWOOD ET AL.

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Application filed on 08/30/2000 and Declaration filed on 11/01/2000.
2. Claims 1-54 are pending in this case. Claims 1, 26, and 51-54 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 9-16, 18, 20, 22-30, 32, 34-41, 43, 45, 47-50, and 51-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998).

4. **Regarding independent claim 1,**
 - a plurality of storages, each for storing data to be used for defining a range of one of a plurality of web site dimensions;

- o Baxter et al. (hereafter referred to as Baxter) discloses a method in which content (dimensions) including formatting components and organizational components are stored in a repository (column 2, lines 1-11 of Baxter).
- a web site template storage for storing a plurality of web site templates, each of said web site templates including a set of characteristics for one or more of said plurality of web site dimensions, all of the characteristics for each of the web site dimensions at least in part defining a subset of said data stored in said storage corresponding to said dimension;
 - o Baxter discloses a method in which format components, templates which define formats (characteristics), are stored in a repository. The formats define what content is used (subset) and how it is to be formatted (column 4, lines 25-53 of Baxter).

5. Regarding dependent claim 2,

- a description generator for generating a description of a web site based upon at least one of said plurality of web site templates;
 - o Baxter discloses a method in which a web document is based on a template (column 14, lines 5-28 of Baxter) and it is assembled by a system (description generator) to create a complete set (description) of content, organizational components and form components (column 16, lines 28-37 of Baxter).

6. Regarding dependent claim 3,

- a probability for generating two of the same description of a web site based upon one of said plurality of web site templates is less than one;
 - Baxter discloses a method in which a template can be used to create more than one finalized web page (description), thus the probability is less than one that it will create the same description using the same template (column 15, line 66-column 16, line 9 of Baxter).

7. Regarding dependent claim 4,

- each of a predetermined number of descriptions of a web site generated based upon one of said plurality of web site templates is distinguishable from the other descriptions;
 - Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the template (column 16, lines 1-22 of Baxter).

8. Regarding dependent claim 5,

- a description storage for storing the generated description of the web site;
 - Baxter discloses a method in which a complete set (description) created based on a template is stored in a repository (column 16, lines 38-50 of Baxter).

9. Regarding dependent claim 7,

- description of a web site is generated in a non-deterministic manner,
 - Baxter discloses a method in which templates are used to create new documents that are different from other documents created based on the

template (column 16, lines 1-22 of Baxter). Thus, the method is non-deterministic because it allows for more than one possible result.

10. Regarding dependent claims 9-16,

- one of the plurality of web site dimensions is web site content;
- one of the plurality of web site dimensions is web site layout;
- one of the plurality of web site dimensions is web site navigation;
- one of the plurality of web site dimensions is web site component applications;
- one of the plurality of web site dimensions is web site colors;
- one of the plurality of web site dimensions is web site theme;
- one of the plurality of web site dimensions is web site graphics;
- one of the plurality of web site dimensions is web site image set;
 - o Baxter discloses a method in which content includes raw content (text, graphics, images), organization (layout and navigation), java applications (component applications), colors, and outline (theme) (column 4, lines 25-67, column 14, lines 5-28, and column 16, lines 1-9 of Baxter).

11. Regarding dependent claim 18,

- a combination of the data defining at least two of the respective web site dimensions is selected in accordance with said web site description;
 - o Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) (column 16, lines 28-37 of Baxter).

12. Regarding dependent claim 20,

- all of the characteristics for each of the web site dimensions at least in part define a complementary subset of said data stored in said storage corresponding to said dimension;
 - Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

13. Regarding dependent claim 22,

- all of the characteristics for one or more of the web site dimensions at least in part define a subset of said data stored in one or more of said storages corresponding to at least one other dimension;
 - Baxter discloses a method in which the definitions set forth by the template use only a portion (subset) of the content (select pictures, certain colors, etc.) available (column 2, lines 1-24 of Baxter).

14. Regarding dependent claim 23,

- one or more of the web site templates define a relationship between at least two of the characteristics for the one or more web site dimensions;
 - Baxter discloses a method in which the finalized document corresponds to a set of content, organization and format (more than two dimensions combined together) as defined by the template (column 16, lines 28-37 of Baxter).

15. Regarding dependent claims 24-25,

- each of the plurality of web site templates corresponds to a specific industry;

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- each of the plurality of web site templates corresponds to at least one general industry;
 - o Baxter discloses a method in which a corporate logo may be applied to a set of templates to designate them for use on a corporate site (specific industry) or templates can be created without a specific logo between them (general industry) (column 12, lines 7-43 of Baxter).

16. **Regarding claims 26-30, 32, 34-41, 43, 45, and 47-50**, the claims incorporate substantially similar subject matter as claims 1-5, 7, 9-16, 18, 20, and 22-25. Thus, the claims are rejected along the same rationale as claims 1-5, 7, 9-16, 18, 20, 22-25.

17. **Regarding independent claims 51-54**, the claims incorporate substantially similar subject matter as claim 1. Thus, the claims are rejected along the same rationale as claim 1.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December 30, 1998) as

applied to claim 1 above, and further in view of Ryan et al. (US Patent Number 6,421,675, filed on July 15, 1998).

19. Regarding dependent claim 6-8,

- description of a web site is generated pseudo-randomly;
- description of a web site is generated randomly;
 - o Baxter does not disclose a method in which a description is generated randomly or pseudo-randomly. However, Ryan et al. discloses a method in which a results page for a search engine randomly selects applicable results (content) to put into a template for a results page that is generated (column 22, Ryan et al.). Since the random selection is completed by a computation it is by definition also pseudo-random. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of Baxter in combination with the method of Ryan et al. because it gives the opportunity for the less popular content to viewed on the generated web pages.

20. Regarding dependent claims 31 and 33, the claims incorporate substantially similar subject matter as claims 6 and 8. Thus, the claims are rejected along the same rationale as claims 6 and 8.

Claims 17, 19, 21, 42, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent Number 6,356,903, filed on December

30, 1998) as applied to claims 1, 18, 26, and 43 above, and further in view of Hill et al. (US Patent Number 6,023,714, filed on April 24, 1997).

21. Regarding dependent claim 17,

- one of the plurality of web site dimensions is platform for accessing the web site;
 - Baxter does not disclose a method in which one of the dimensions is the platform used to access the site. However, Hill et al. (hereafter referred to as Hill) discloses a method in which a web document is generated using a stylesheet (template) in which it is properly formatted and organized based on the system the user is using to view the document (column 2, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

22. Regarding dependent claim 19,

- the combination of the data is selected in accordance with a predetermined relationship between at least two characteristics for the one or more web site dimensions;
 - Baxter does not disclose the use of a predetermined relationship between at least two characteristics. However, Hill discloses a method in which all the characteristics of the dimensions are share a predetermined relationship with the platform used to access a document in stylesheets in order to properly format the document for all platforms, which dictates

other characteristics selected (i.e. format, content, color, etc.) (column 1, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

23. Regarding dependent claim 21,

- at least two of the characteristics of one or more web site dimensions include a predetermined relationship with each other;
 - o Baxter does not disclose the use of a predetermined relationship between at least two characteristics. However, Hill discloses a method in which all the characteristics of the dimensions are share a predetermined relationship with the platform used to access a document in stylesheets in order to properly format the document for all platforms (column 1, lines 15-65 of Hill). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Baxter and Hill because it would have allowed more users to properly view the generated document.

24. Regarding dependent claims 42, 44, and 46, the claims incorporate substantially similar subject matter as claims 17, 19, and 21. Thus, the claims are rejected along the same rationale as claims 17, 19, and 21.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Number 6,308,188, by Bernardo et al.

US Patent Number 6,415,335, by Lowery et al.

US Patent Number 6,313,835, by Gever et al.

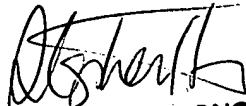
US Patent Number 6,601,057, by Underwood et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

jdc
December 15, 2004


STEPHEN S. HONG
PRIMARY EXAMINER